



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/594,152	06/12/00	IMANAKA	R MAT-3720US1

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WM02/1220

EXAMINER	
GRANT, C	
ART UNIT	PAPER NUMBER
2611	2

DATE MAILED:

12/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/594,152

Applicant(s)  
IMANAKA

Examiner  
Christopher Grant

Group Art Unit  
2611



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-14, 17, and 18 is/are allowed.

☒ Claim(s) 15, 16, 19, and 20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Reissue Applications***

1. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

The original ribboned copy of the patent has not been surrendered. See MPEP 1416.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

### ***Claim Rejections - 35 USC § 112***

3. Claims 15-16 and 19-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey

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to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The disclosure fails to support the limitation “**charging means for charging a different amount to said terminal when a) said recording reproducing apparatus reproduces the information recorded in the recording medium or b) a further reproducing apparatus reproduces the information recorded in the recording medium**” now recited in claim 15 and 19. Although the specification discloses “*the charging system can be made so that information can be reproduced by only a recording/reproducing apparatus.....and by other reproducing apparatus*”, the specification fails to disclose or suggest charging different amount to the recording/reproducing apparatus and the other reproducing apparatus. The above claimed subject matter is considered as new matter and must be canceled from the claims.

#### *Allowable Subject Matter*

4. The following is an examiner's statement of reasons for allowance:

Claims 1-14 and 17-18 would be allowable because the prior art fails to disclose or suggest an information on demand system comprising a charging means for charging a different amount (or subscriber discriminating means for discriminating) for the case in which the information is provided to a display means, a recording means or to both the display and record means; or a subscriber apparatus comprising a recording and terminal control means having subscriber identification and information identification from a server; or an on demand system

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comprising a charging means for charging a different amount for the case in which the information is provided to a terminal or a recording means, wherein unique identification is detected or recorded in a recording medium as recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Note to applicant*

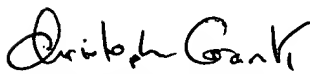
5. Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.121(b).

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 4700.

  
**Christopher Grant**  
**Primary Examiner**  
**December 14, 2000**